

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES

V. NO. 04 10299 PBS – 11

HOWARD GREENBERG

**MOTION OF DEFENDANT TO PRECLUDE THE GOVERNMENT'S
ATTORNEY FROM PRESENTING JENCKS ACT
MATERIAL TO THE DEFENDANT'S COUNSEL IN FRONT OF THE JURY**

The defendant in the above entitled matter moves this Honorable Court for an order to preclude the Government's attorney from presenting Jencks Act material to counsel for the defendant in front of the jury.

The defendant respectfully suggests to this Honorable Court that the Government's attorney should present said material to counsel for the defendant not in the view of the jury so that the jury does not get the idea that the Government is doing something for the defendant as well as prosecuting him.

See Gregory v. United States, 369 F.2d 185 (D.C. Cir. 1966); United States v. Gardin, 382 F.2d 601 (2d Cir. 1967).

REQUEST FOR ORAL ARGUMENT

Defendant believes that oral argument will assist the Court and requests a hearing on this motion. Local Rule 7.I (D).

/s/Roger Witkin
ROGER WITKIN
Counsel for the Defendant
6 Beacon Street, Suite 1010
Boston, MA 02108
Tel. (617) 523-0027
Fax (617) 523-2024
BBO No. 531780

Dated: May 31, 2005
federal\F104

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES

v.

NO. 04 10299 PBS - 11

HOWARD GREENBERG

CERTIFICATE OF SERVICE

I hereby certify that on this day a courtesy true copy of the within document was served upon AUSA Neil J. Gallagher, Jr., United States Attorney's Office, 1 Courthouse Way, Suite 9200, Boston, MA 02210 and to the attached service list by mail which was electronically filed this day.

/s/ Roger Witkin
Roger Witkin
6 Beacon Street, Suite 1010
Boston, MA 02108
Tel. 617 523 0027
Fax 617 523 2024
BBO No. 531780

DATE: May 31, 2005

UNITED STATES V. HOWARD GREENBERG
NO. 04 10299 PBS
SERVICE LIST

AUSA Neil J. Gallagher, Jr.
United States Attorney's Office
United States District Court
1 Courthouse Way, Suite 9200
Boston, MA 02210

Michael C. Bourbeau, Esq.
77 Central Street
Second Floor
Boston, MA 02109

Benjamin D. Entine, Esq.
77 Franklin Street, Suite 300
Boston, MA 02110

Syrie D. Fried, Esq.
408 Atlantic Avenue
Third Floor
Boston, MA 02210

Elliot M. Weinstein
228 Lewis Wharf
Boston, MA 02110

John F. Cicilline, Esq.
387 Atwells Avenue
Providence, R.I. 02909

Raymond A. O'Hara, Esq.
1 Exchange Place
Worcester, MA 01608

Victor Beretta, Esq.
381 Atwells Avenue
Providence, R.I. 02909

Ronald Ian Segal, Esq.
23 Central Avenue, Suite 605
Lynn, MA 01901

Stephen D. Judge, Esq.

23 Central Avenue, #605
Lynn, MA 01901

Melvin Norris, Esq.
260 Boston Post Road, Suite 9
Wayland, MA 01778

John E. Wall, Esq.
1 Commercial Wharf West
Boston, MA 02110

James H. Budreau, Esq.
20 Park Plaza, Suite 905
Boston, MA 02112

Raymond Buso
15 Church Street
Salem, MA 01970

Michael P. Hickey
15 churchStreet
Salem, MA 01970

Kirk Y. Griffin, Esq.
50 Staniford Street
Boston, MA 02114

Michael R. Schneider, Esq.
95 Commercial Wharf
Boston, MA 02110

Edward L. Hayden
7 Franklin Street
Lynn, MA 01902

Michael F. Natola, Esq.
63 Atlantic Avenue
3rd Floor
Boston, MA 02110

Raymond Gillespie, Esq.
875 Massachusetts Avenue, Suite 32
Cambridge, MA 02139

John W. Laymon, Esq.
40 Court Street, Suite 700

Boston, Ma 02108